

In the
CIRCUIT COURT
 of St. Louis County, Missouri



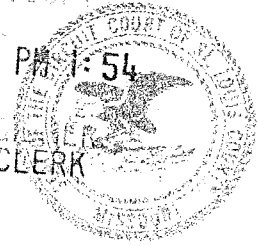
For File Stamp Only

J. Rebollo
 Plaintiff(s)

6/14/12 2012 JUN 14 PM 1:54
 Date

vs.
NCB Management
 Defendant(s)

12SL-AC 16929
 Case Number
32
 Division



CIVIL ORDER/MEMO

☒ Comes now, Plaintiff,
 and enters his/her appearance on behalf of Plaintiff/Defendant.

☒ Cause continued to July 30th at 9 a.m./p.m.

for ☐ Plaintiff ☐ Defendant ☐ Consent ☐ Service or Dismissal
 for ☐ Trial ☐ Length of Trial _____ hours/days ☐ Call Docket

Party setting cause for trial responsible for notifying opposing party(ies).

- ☐ Defendant appears in person and voluntarily enters his/her appearance.
☐ Plaintiff/Defendant requests a Change of Judge.
☐ Plaintiff/Defendant requests a Change of Venue.
☐ Plaintiff/Defendant requests a Jury Trial.
☐ Plaintiff and Defendant waive Jury Trial.
☐ Other: _____

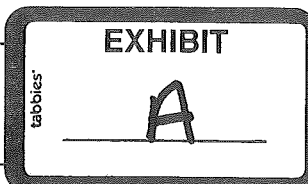
JUDGMENT

- ☐ Cause dismissed with/without prejudice at Plaintiff's costs.
☐ Cause called. Parties fail to appear. Cause dismissed with/without prejudice for failure to prosecute.

SO ORDERED

Judge/Division

Date



57112 Bar No.
J. N. Taylor JR Attorney
63108 Bar No.
314 932 1066 Address
314 667 3161 Phone No. Fax No.
 Attorney Bar No.
 Address
 Phone No. Fax No.



IN THE 21ST JUDICIAL CIRCUIT COURT, ST. LOUIS COUNTY, MISSOURI

Judge or Division: MARY BRUNTRAGER SCHROEDER	Case Number: 12SL-AC16929
Plaintiff/Petitioner: JENNIFER REBOLLO	Plaintiff's/Petitioner's Attorney/Address or Pro Se's Address/Telephone Number: JAMES WINDSOR EASON EASON & VOYTAS, LLC ONE NORTH TAYLOR AVE. ST. LOUIS, MO 63108 (314) 932-1066
Defendant/Respondent: NCB MANAGEMENT SERVICES INC	Date, Time and Location of Court Appearance: 25-JUN-2012 09:00 AM DIVISION 32M ST LOUIS COUNTY COURT BUILDING 7900 CARONDELET AVE CLAYTON, MO 63105
Nature of Suit: AC Other Tort	

(Date File Stamp)

Summons for Personal Service Outside the State of Missouri (Associate Division Cases)

The State of Missouri to: NCB MANAGEMENT SERVICES INC

Alias:

1 ALLIED DR
TREVOSE, PA 19053

COURT SEAL OF



ST. LOUIS COUNTY

You are summoned to appear before this Circuit Court, Associate Division on the date, time and location above, to answer the allegation in the petition filed by the above-named Plaintiff/Petitioner, a copy of which is attached. If you fail to appear at the time and place stated in this summons, judgment by default will be taken against you for the relief demanded in the petition. If you have a disability requiring special assistance for your court appearance, please contact the court at least 48 hours in advance of scheduled hearing.

05-25-12
Date

Clerk
Further Information:
AMH

Officer's or Server's Affidavit of Service

I certify that:

- I am authorized to serve process in civil actions within the state or territory where the above summons was served.
- My official title is _____ of _____ County, _____ (state).
- I have served the above summons by: (check one)
 - ☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.
 - ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with _____, a person of the Defendant's/Respondent's family over the age of 15 years.
 - ☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to _____ (name) _____ (title).
 - ☐ other (describe) _____

Served at _____ (address)
in _____ County, _____ (state), on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Subscribed and Sworn to before me this _____ (date).

- I am: (check one)
- ☐ the clerk of the court of which affiant is an officer.
 - ☐ the judge of the court of which affiant is an officer.
 - ☐ authorized to administer oaths in the state in which the affiant served the above summons. (use for out-of-state officer)
 - ☐ authorized to administer oaths. (use for court-appointed server)

(Seal)

Signature and Title

In the
CIRCUIT COURT
 Of St. Louis County, Missouri



For File Stamp Only

Jennifer Rebollo
 Plaintiff/Petitioner

5/16/12
 Date

vs.
NCB Management Services
 Defendant/Respondent INC.

Case Number

Division

REQUEST FOR APPOINTMENT OF PROCESS SERVER

Comes now Plaintiff, pursuant
 Requesting Party

to Local Rule 28, and at his/her/its own risk requests the appointment of the Circuit Clerk of
Legal Errands Inc. Alfred McGinnis PO Box 24806
 Name of Process Server Address Telephone

Philadelphia PA 19130 215-751-1124
 Name of Process Server Address or in the Alternative Telephone

Name of Process Server Address or in the Alternative Telephone

Natural person(s) of lawful age to serve the summons and petition in this cause on the below named parties. This appointment as special process server does not include the authorization to carry a concealed weapon in the performance thereof.

SERVE: Brett Silver or Rick Silver SERVE:

Name one Allied DR
 Address Irevo PA 19053
 City/State/Zip

Name
 Address
 City/State/Zip

SERVE:

Name
 Address
 City/State/Zip

SERVE:

Name
 Address
 City/State/Zip

Appointed as requested:
JOAN M. GILMER, Circuit Clerk

By Amia
 Deputy Clerk

5-16-12
 Date

[Signature]
 Attorney/Plaintiff/Petitioner

57112
 Bar No.
N. Taylor STL MO 03108
 Address
314 932 1066 314 1017 3101
 Phone No. Fax No.

45

RECEIVED & FILED
CIRCUIT COURT OF
ST. LOUIS COUNTY

IN THE CIRCUIT COURT
ST. LOUIS COUNTY
STATE OF MISSOURI
ASSOCIATE DIVISION

2012 MAY 16 PM 2:37

JOANNE CLERK
CIRCUIT CLERK

JENNIFER REBOLLO

Plaintiff,

v.

NCB MANAGEMENT SERVICES, INC.

Defendant.

Serve Defendant at:
Brett Silver, Rick Silver or Registered Agent
One Allied Drive
Trevose, PA 19053

Case No.

Division

12SLAB16929

B2M

PETITION

COMES NOW, Plaintiff, Jennifer Rebollo, and for her Petition states as follows:

INTRODUCTION

1. This is an action for statutory damages brought by an individual consumer for violations of the Fair Debt Collections Practices Act, 15 USC 1692 *et. Seq.* ("FDCPA"), which prohibits debt collectors from engaging in abusive, deceptive, and unfair practices.

2. This is an action for statutory damages brought by an individual consumer for violations of the Telephone Consumer Protection Act of 1991("TCPA"), 47 USC 227 *et. seq.*

JURISDICTION

3. This Court has jurisdiction of the FDCPA claim under 15 USC 1692k(d).

4. This Court has jurisdiction of the TCPA claim under 47 USC 227 (3)(b).

PARTIES

5. Plaintiff is a natural person currently residing in St. Louis County, Missouri. Plaintiff is a "consumer" within the meaning of the FDCPA. The alleged debt Plaintiff owes arises out of consumer, family, and household transactions.

6. Specifically, the alleged debt arises out of Plaintiff's use of a consumer credit card issued by Bank of America. Plaintiff made charges on this card for consumer and household purposes only.

7. Defendant is a foreign corporation with its principal place of business in Trevoze, PA. The principal business purpose of Defendant is the collection of debts in Missouri and nationwide, and Defendant regularly attempts to collect debts alleged to be due another.

8. Defendant is engaged in the collection of debts from consumers using the mail and telephone. Defendant is "debt collectors" as defined by the FDCPA.

FACTS

9. Defendant began collection activity with Plaintiff in May, 2012. The collection activity consisted of telephone calls to Plaintiff's cellular phone ending in 3436 and a dunning letter bearing the date of May 3, 2012 which Plaintiff received on or about May 9, 2012. Defendant also called third parties about the debt as described below.

10. Plaintiff never provided permission or otherwise authorized Defendant to call her cellular phone by any means, and specifically never authorized Defendant to contact her with an autodialer.

11. Each of Defendant's calls placed to Plaintiff were placed using an automatic telephone dialing system with the capacity to store, generate, and dial telephone numbers.

12. Despite the fact that Defendant knew Plaintiff's address and telephone number, Defendant called third parties with no connection to the debt in order to put additional pressure on Plaintiff to pay the debt.

13. Defendant had no legitimate reason for contacting third parties about the debt. Defendant knew those third parties would question Plaintiff about the debt and deliver Defendant's phone number to Plaintiff, creating the appearance that Defendant would stop at nothing to collect the debt.

14. Defendant knew that its tactic of contacting third parties about the debt would create great embarrassment and distress for Plaintiff; Plaintiff did in fact experience such distress due to Defendant's tactics.

15. At minimum, Defendant has been calling Plaintiff's sister. To the best of Plaintiff's understanding, Defendant has been leaving messages about the debt with Plaintiff's sister and asking Plaintiff's sister to get Plaintiff to call Defendant about the debt.

16. Plaintiff called Defendant about the debt on May 15, 2012.

17. This call occurred within the statutory dispute / verification period as per 15 U.S.C. 1692g.

18. During the call, Plaintiff informed Defendant that she wanted Defendant to validate the debt, that she would be requesting verification of the debt, and that she wanted to dispute the amount of the debt because it was higher than any balance she ever carried with Bank of America.

19. In response, Defendant told Plaintiff that her only option for validation and/or verification was to contact Bank of America directly at 866-513-3931. Defendant told Plaintiff that Defendant had no responsibility to provide verification or handle any related dispute.

20. Defendant proceeded to tell Plaintiff that her debt was more than 120 days old and demanded that Plaintiff pay the debt "very soon."

21. Defendant lied about Plaintiff's right to request validation and/or verification and to dispute the debt in order to bait Plaintiff into making an immediate payment.

22. Defendant's conduct caused Plaintiff to believe that she had no right to get verification of the large balance Defendant was attempting to collect. Defendant's conduct caused Plaintiff to believe that she had no right to dispute the large balance Defendant was attempting to collect.

23. To the best of Plaintiff's understanding, the amount Defendant is seeking to collect is not valid and is not warranted by Plaintiff's agreement with her original creditor.

24. Plaintiff has experienced, sleeplessness, mental anguish, embarrassment and worry as a result of Defendant's actions.

COUNT I: VIOLATIONS OF FAIR DEBT COLLECTION PRACTICES ACT

25. Plaintiff re-alleges and incorporates by reference all of the above paragraphs.

26. In its attempts to collect the alleged debt from Plaintiff, Defendant has committed violations of the FDCPA, 15 USC 1692 *et. seq.*, including, but not limited to, the following:

- a. Attempting to collect an amount not authorized by the agreement creating the debt or permitted by law. 15 USC 1692f(1).
- b. Using unfair or unconscionable means to collect or attempt to collect the alleged debt. 15 USC 1692f.
- c. Engaging in conduct that the natural consequence of which is to harass, oppress, or abuse Plaintiff in connection with the collection of a debt. 15 USC § 1692d.
- d. Overshadowing Plaintiff's dispute, validation, and verification rights. 15 USC § 1692g.
- e. Refusing to honor Plaintiff's timely validation request. 15 USC § 1692g.

WHEREFORE, Plaintiff respectfully requests that judgment be entered against Defendant for:

- A. Judgment that Defendant's conduct violated the FDCPA;
- B. Actual damages;
- C. Release of the alleged debt;
- D. Statutory damages, costs and reasonable attorney's fees pursuant to 15 USC 1692(k); and
- E. For such other relief as the Court may deem just and proper.

COUNT II: VIOLATION OF THE TCPA

27. Plaintiff re-alleges and incorporates by reference all of the above paragraphs.

28. In its attempts to collect the alleged debt from Plaintiff, Defendant has committed violations of the TCPA, 47 USC 227 *et. seq.*, including, but not limited to, the following:

a. By placing non-emergency phone calls to Plaintiff's cellular phone without express authorized consent of the Plaintiff, causing Plaintiff to be charged for incoming calls. 47 USC 227(b) (1) (A) (iii).

WHEREFORE, Plaintiff respectfully requests that judgment be entered against

Defendant for:

- A. Judgment that Defendant's conduct violated the TCPA;
- B. Actual damages;
- C. Statutory damages pursuant to 47 USC (b)(3); and
- D. For such other relief as the Court may deem just and proper.

EASON & VOYTAS, LLC


JAMES W. EASON, #57112
RICHARD A. VOYTAS, #52046
EASON & VOYTAS, LLC
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St. Louis, Missouri 63108
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rickvoytas@gmail.com